UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee

UNITED STATES OF AMERICA	)	
v.	)	Case No. 3:17-CR-82
Randall-Keith:Beane Heather-Ann:Tucci:Jarraf	)	

EMERGENT MOTION TO VACATE AND SET ASIDE
THE CONVICTION AND SENTENCE
And Restoration of Property
28 U.S. Code § 2255

Proposed Order Attached

"A prisoner in custody under sentence of a court established by Act of Congress claiming the right to be released upon the ground that the sentence was imposed in violation of the Constitution or laws of the United States, or that the court was without jurisdiction to impose such sentence…"

"The general misconception is that any statute passed by legislators bearing the appearance of law constitutes the law of the land. The U.S. Constitution is the supreme law of the land, and any statute, to be valid, must be in agreement. It is impossible for a law which violates the Constitution to be valid."

"All laws which are repugnant to the Constitution are null and void," Marbury vs. Madison, 5 US (2 Cranch) 137, 174, 176, (1803)

GROUNDS

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Randall-Keith:Beane (Reg. #52505-074), hereinafter Movant, is false imprisoned at the Federal Correctional Institution, Elkton, Ohio. July 11, 2017

Movant was unlawfully arrested, detained, false imprisoned, and subsequently tried and convicted in the United States District Court for the Eastern District of Tennessee. The sentence consists of a term of 120 months as to each of Counts One through Five (18 U.S.C. § 1343 - Wire Fraud) and 155 months as to Count Six (18 U.S.C. § 1344 - Bank Fraud) and Seven (18 U.S.C. § 1956(h) – Conspiracy to Commit Money Laundering) with all counts to run concurrently.

Movant declares he has seen no sworn affidavit from a competent fact witness with firsthand knowledge to lawfully assert a charge against Movant. Movant does not believe any such affidavit exists. The plaintiff is a corporation and did not prove injury, loss, or standing.

Movant and Heather-Ann:Tucci:Jarraf timely filed a request for an appeal with the Sixth Circuit Appellate Court and it was essentially denied. There was an appeal but Movant and Heather-Ann:Tucci:Jarraf were not part of it. While Jeffrey Sutton wrote in his appellate opinion "…all defendants, whether lawyers or not, have a right to represent themselves—what amounts to the right to reject counsel and to confront the government alone," (United States Court of Appeals for the Sixth Circuit, Opinion, Sutton, Circuit Judge, P.5, ¶ 4) **he DENIED this right** to Movant and Heather-Ann:Tucci:Jarraf and appointed two attorneys at law/officers of the court, Stephen Louis Braga and Denis G. Terez, without the consent of Movant or Heather-Ann:Tucci:Jarraf. These two attorneys did not consult with

Movant or Heather-Ann:Tucci:Jarraf regarding the case or the appeal. The appellate case number for HEATHER ANN TUCCI-JARRAF is 18-5752. The appellate case number for Movant is 18-5777. Movant has not filed a petition for certiorari in the United States Supreme Court.

In July 2021, Movant filed a Habeas Corpus and Void Judgment Petition of Remonstrance and Motion to Expunge the Case and Record with representatives of the Tennessee General Assembly and the United States Congress.

Movant, hereby claims the right to be released from the Federal Correctional Institution, Elkton based upon the grounds listed and that Movant and Heather-Ann:Tucci:Jarraf are the victims of a Tennessee organized crime syndicate that involved FBI investigators, federal prosecutors, federal judges, sheriff office and others. The trial, conviction and sentence were in violation of the Constitution and laws of the United States. Movant requests that which the court previously decreed be undone by vacating and setting aside the conviction and sentence of Heather-Ann:Tucci:Jarraf and Movant, Randall-Keith:Beane.

The District Court for the Eastern District of Tennessee was without personal and subject matter jurisdiction to try, convict and impose a sentence based upon the following:

GROUND ONE - As of March 2013 the District Court does not exist – Uniform Commercial Code (UCC)

According to the Uniform Commercial Code, filing #2012127914, "any and all CHARTERS, inclusive of The United States Federal Government, UNITED STATES, "STATE of ...", Inclusive of any and all abbreviations, idem sonans, or other legal, financial or managerial forms, any and all international equivalents, inclusive of any and all OFFICES, inclusive of any and all OFFICERS, PUBLIC SERVANTS, EXECUTIVE ORDERS, TREATIES, CONSTITUTIONS, MEMBERSHIP, ACTS, and any and all other contracts and agreements made thereunder and thereby, are now, void, worthless, or otherwise cancelled, unrebutted; ..."

Uniform Commercial Code filing #2012114776 'Declared and ordered irrevocably cancelled; any and all charters for Bank of International Settlements (BIS) members thereto and thereof including all beneficiaries, including all certain states of body owning, operating, aiding and abetting private money systems, issuing, collection, legal enforcement systems, operating SLAVERY SYSTEMS …commandeering lawful value by unlawful representation..."

Uniform Commercial Code filing #2012096074 (Sept. 2012)- Orders to Cease and Desist - states volunteers within the military ... 'to arrest and take into custody any and all certain states of body, their agents, officers, and other actors, regardless of domicile by choice, owning, operating, aiding and abetting private money systems, issuing, collection, legal enforcement systems, operating

SLAVERY SYSTEMS against the several states citizens, ...', and "Repossess all private money systems, tracking, transferring, issuing, collection, legal enforcement systems operating SLAVERY SYSTEMS..." "...all beings of the creator shall forthwith assist all Public Servants identified herein, to implement, protect, preserve and complete this ORDER by all means of the creator and created as stated herein, by, with, and under your full personal liability..."

The UCC filings are unrebutted and the cancellation was finalized in 2013. (UCC Filing #2012096794 – Order of Finding and UCC Filing #2013031779 – Eternal Essence Filing Unrebutted) In the uniform commercial code there is a rebuttable presumption. Facts are assumed to be true until they are rebutted. UCC § 1-206 provides that **"the trier of fact must find the existence of the fact unless and until evidence is introduced that supports a finding of its nonexistence."** Thomas A. Varlan (trial judge) and C. Clifford Shirley (magistrate) ignored this requirement and unlawfully and illegally proceeded to trial without jurisdiction.

GROUND TWO - The laws cited in the indictment and district court arrest warrants DO NOT EXIST – No Enacting Clause

There is no enacting clause in any of the codes charged. You cannot tell upon whose authority 18 U.S. Code § 3231, § 1343, § 1344, § 1956, and § 1957 was written. The U.S. code Varlan and Shirley used to determine jurisdiction (18 U.S. Code § 3231) and the codes the prosecutors charged in the indictment

(§ 1343, § 1344, § 1956, and § 1957) do not have an enacting clause. A Federal law requires an enacting clause to make it a law coming from the authorized source – Congress. The object of an enacting clause is to show that the act comes from a place pointed out by the Constitution as the source of power. (Ferrill v. Keel 151 S.W. 269, 272, 105 Ark. 380 (1912) It should show **on its face** the authority by which it was enacted and promulgated.

GROUND THREE - Even if the laws cited in the indictment and warrant did exist – and we know they do not – the indictment and warrants are still fraudulent:

1) Arrest warrant on an indictment must be signed by the clerk – 18a U.S. Code Rule 9 – not a fictitious deputy clerk.

2) The laws cited are evidence of the law – NOT LAW - 1 US Code § 204 and 1 U.S. Code § 112;

There are no valid laws charged against Movant and Heather-Ann:Tucci:Jarraf. Without valid laws there is no subject matter jurisdiction and any decision rendered is void.

Per 1 US Code § 204 – the charging documents list codes as evidence of the law. They do not cite actual law. An invalid law charged against one in a criminal matter also negates subject matter jurisdiction by the sheer fact that it fails to create a cause of action. "Subject matter is the thing in controversy." (Holmes v. Mason, 115 N.W. 770, 80 Neb. 454, citing Black's Law Dictionary). Without a valid law, there is no issue or controversy for a court to decide upon. Thus, where a law does

not exist or **does not constitutionally exist**, or where the law is invalid, void or unconstitutional, there is no subject matter jurisdiction to try one for an offense alleged under such a law.

The July 19, 2017 district court arrest warrants for Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf were not in legal form. They were not signed by the clerk as required under 18a U.S. Code Rule 9 - Arrest Warrant on an Indictment must be signed by the clerk. They are fraudulent arrest warrants.

GROUND FOUR - No FBI Jurisdiction, No US Attorney Jurisdiction, No District Court Jurisdiction

18 U.S. Code § 3052 (Powers of Federal Bureau of Investigation), the FBI has the authority to serve warrants **issued under the authority of the United States**. The FBI does not have the authority in Tennessee to serve a South Carolina misdemeanor traffic related warrant that was disposed of two years prior in 2015.

28 U.S. Code § 547 United States Attorney shall prosecute **for all offenses against the United States**; prosecute or defend for the government **all civil actions**... There was no offense against the United States. Ihe "United States" was not the plaintiff. The plaintiff was the corporation "UNITED STATES OF AMERICA." Furthermore, during trial testimony, Sean O'Malley of the New York Federal Reserve Bank made it clear – "**there was no loss to the U.S. government**" (Trial Transcript Volume 4, P.18, Line 12-13) Without a loss there is

no standing. With no standing there is no subject matter jurisdiction. In Lujuan v. Defenders of Wildlife (90-1424), 504 U.S. 555 (1992), the Supreme Court created a three-part test to determine whether a party has standing:

a. The plaintiff must have **suffered an "injury in fact**," meaning that the injury is of a legally protected interest which is (a) concrete and particularized and (b) actual or imminent.
b. There must be a causal connection between the injury and the conduct brought before the court.
c. It must be likely, rather than speculative, that a favorable decision by the court will redress the injury.

The government went on and on about the FDIC during the trial trying to create an injury to gain standing by tying the FDIC into their conspiracy plot, but the FDIC says – robberies and other causes of disappearing funds are not insured by the FDIC. So even if what the government said occurred, – but we know the government is lying and it didn't occur – the FDIC would not have anything to do with it.

18 U.S. Code § 304 the power of courts and magistrates **extends only to offenses against the United States**. The United States Constitution prescribes what the jurisdiction of the Federal government is by the enumerated powers. This is the extent of the jurisdiction of the United States government. It is only in these

areas that a crime or offense against the United States can exist, and this is so only when Congress actually passes a law in one of the areas within their eighteen tasks enumerated. **An act committed within a State cannot be made an offense against the United States**, unless it has some relation to the execution of a power of Congress, or to some matter within the jurisdiction of the United States. (United States v. Fox, 95 U.S. 670, 672 (1877)

The Federal Courts only have jurisdiction in matters involving an offense against the United States, and nothing can be an offense against the United States unless it is made so by lawful Congressional act pursuant to the U.S. Constitution. There is no other source from which Congress can get authority to make law.

GROUND FIVE - 1) The South Carolina misdemeanor traffic related bench warrant used to arrest Movant in 2017 was disposed of in 2015. It is also outside the territorial jurisdiction of Tennessee.

2) The Tennessee district court arrest warrants were signed by a fictitious deputy clerk.

The July 11, 2017 arrest was unlawful. The FBI, Knox Sheriff Deputy, and University of Tennessee police department used a 2015 disposed of South Carolina misdemeanor traffic related bench warrant to arrest Movant. They would not provide Movant a copy of the warrant. Arresting officer Parker Still (FBI agent) said handing someone a copy of the warrant so that they may inspect it to ensure it is authentic is TV stuff. (Trial Transcript, Volume I, P. 69, Line 13-17) When

Heather-Ann:Tucci:Jarraf expressed shock at Parker Still's disregard for due process Thomas A. Varlan decided he would not allow any discussion on the matter. He silenced Heather-Ann:Tucci:Jarraf on evidence proving denial of due process and he denied the jury their right to hear that evidence – "**THE COURT**: Let's not comment on the evidence. Let's go ahead and ask the next question." (Trial Transcript Volume I, P. 70, Line 7-8). "It is the **duty of the courts** to be watchful for the Constitutional rights of Americans and against any stealthy encroachment thereon." (Boyd v. United States, 116 U.S. 616, 635)

The South Carolina and district court arrest warrants used to arrest Movant are defective. The Knoxville Sheriff detained Movant for the FBI from July 11, 2017 to July 26, 2017 – 16 days – without a valid warrant – and after Magistrate Rowe of Tennessee's General Sessions Court ordered Movant be released July 13, 2017. The sheriff ignored Magistrate Rowe's order and re-arrested Movant July 13th using the same disposed of South Carolina traffic warrant. The Knoxville sheriff cannot lawfully execute a warrant from South Carolina because it is outside their jurisdiction. The FBI and Sheriff are obligated to know if under the law the South Carolina 2015 disposed of warrant and the district court warrants signed by a fictitious clerk is defective and within their territorial jurisdiction.

The district court arrest warrants did not contain an affidavit of the person making the charge under oath. It did not state any facts that constitute a crime. It

only lists "codes" as "evidence of law" – NOT actual law. The prosecutors claimed USAA Bank was the victim but there was no affidavit from USAA Bank.

GROUND SIX - Denial of due process, No probable cause hearing, Denial detention/bail hearing, No formal sworn affidavit

The government and the trial judge did not follow the exact course of the law. There was no probable cause hearing – not before Movant was arrested and not while he was detained. In the case of an indictment, a grand jury determines whether there is probable cause to make an arrest or issue an arrest warrant. Movant was arrested July 11, 2017. The grand jury heard the case July 18, 2017. There was no probable cause for the July 11, 2017 arrest because the grand jury had not even heard the case.

In the case of a criminal complaint, a judge hears the evidence and makes the initial determination of whether probable cause exists. Movant has seen no evidence that a criminal complaint under sworn oath or a sworn affidavit that allegedly provided probable cause was filed against Movant and Heather-Ann:Tucci:Jarraf to initiate an action. Movant did not and does not have access to Parker Still's FBI Sentinel file. Movant was denied the right to defend against the alleged complaint or affidavit. The grand jury and trial jury were denied the right to see or know the content of the alleged sworn complaint and/or alleged sworn affidavit.

The FBI and Knoxville Sheriff decided to arrest Movant with a warrant, albeit a fraudulent one. They were obligated to comply with the Fourth Amendment which guarantees "the people to be secure in their persons. houses, papers and effects, against unreasonable searches and seizures." The provision regulates how warrants are to be issued: "**no warrant shall issue, but upon probable cause, supported by oath** ..." If an arrest is made with a warrant the officer must follow the criteria of the Fourth Amendment otherwise it is an unlawful arrest as the warrant would be illegal.

The judgment is void. The FBI agents, Assistant US attorneys and district court judges proceeded knowingly without subject matter jurisdiction or personal jurisdiction. All rulings were made in violation of due process. No one may be arrested except by due process of law. The FBI and Knoxville Sheriff did not have a valid arrest warrant to arrest Movant or Heather-Ann:Tucci:Jarraf.

C. Clifford Shirley, Jr. denied Movant a detention/bail hearing. Under threat and duress, on/about July 27, 2017, Movant was forced to sign a "waiver of detention hearing" approved by C. Clifford Shirley. C. Clifford Shirley knew when he approved the waiver that one cannot give consent for an unlawful deprivation of liberty. When Movant again requested a detention hearing C. Clifford Shirley said 'we can't get to that.' (August 29, 2017 C. Clifford Shirley, Jr. hearing to remove Bobby Hutson, Jr. [Public Defender] appointed by C.

Clifford Shirley, Jr., Document. 40, 34 pages, p. 9, Line 11-14) C. Clifford Shirley knowingly and intentionally denied Movant a due process detention hearing. "Judgments entered where court lacked either subject matter or personal jurisdiction, or that were otherwise entered in violation of due process of law, **must be set aside**", Jaffe and Asher v. Van Brunt, S.D.N.Y.1994. 158 F.R.D. 278.

The indictment was the result of testimony from one FBI agent (Parker Still) who committed aggravated assault causing serious bodily injury against Movant during the July 11, 2017 arrest in Tennessee in which he used a 2015 disposed of South Carolina misdemeanor traffic warrant. Parker Still did not have firsthand knowledge of any wrongdoing. He did not investigate any wronging. And he did not have jurisdiction under 18 U.S. Code § 3052 (Powers of Federal Bureau of Investigation). A formal accusation is essential for every trial of a crime. Without it the court acquires no jurisdiction to proceed, even with the consent of the parties, and **where the indictment is invalid the court is without jurisdiction**. Ex parte Carlson, 186 N.W. 722, 725, 176 Wis. 538 (1922) **Without a valid complaint any judgment or sentence rendered is "void ab initio**." (Ralph v. Police Court of El Cerrito, 190 P2.d 632, 634 84 Cal. App.2d 257 (1948)

There was no justiciable issue presented to the court through proper pleadings. No sworn complaint, no firsthand knowledge affidavit, and no plaintiff

with standing. (Ligon v. Williams, 264 Ill. App 3d 701, 637 N.E. 2d 633 (1st Dist. 1994)

Movant's detention was and is without legal or lawful authority. It is false imprisonment. The face of the South Carolina warrant clearly said 'of the said state – South Carolina,' and the Tennessee warrants were clearly fictitious signed – not signed by the clerk as required in 18a U.S. Code Rule 9.Arrest Warrant on an Indictment must be signed by the clerk.

GROUND SEVEN - No subject matter and personal jurisdiction

There was a clear want of subject matter jurisdiction. The alleged crime is outside the territorial jurisdiction of the United States district court.

C. Clifford Shirley (magistrate) and Thomas A. Varlan (trial judge) said their jurisdiction comes from congress and 18 USC § 3231. Congress cannot give power it does not have. Congress does not have the power to grant judicial authority to the district court. All district courts are Article III courts and judicial power is outlined and limited in Article III. Congress' power is enumerated in Article I of the Constitution. Section 3231 of the US code says, "The district courts of the United States shall have original jurisdiction, exclusive of the courts of the States, of all **offenses against the laws** of the United States." This section is vague and unclear. One cannot commit an offense against the laws? It is not possible.

Congress does not have authority over Article III judicial power. Furthermore, Article I, Section 2 of the constitution states "…The number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at least one representative…" The US population count as of July 7, 2017 was approximately 325,184,468. If you divide 325,184,468 by 30,000 there should be approximately 10,839 house representatives. Article I, Section 5 of the constitution states "Each House shall be the Judge of the elections, returns and qualifications of its own members, and **a majority of each shall constitute a Quorum to do Business**…" There are currently 435 members of the House of Representatives. Since there is supposed to be approximately 10,839 as of July 2017 congress has never had a quorum to do business. They have never passed a valid law.

District courts are Article III courts of record. Thomas A. Varlan and C. Clifford Shirley did not operate a court of record. The district court was not in compliance with court of record requirements - 28 U.S. Code § 132. According to 28 U.S. Code § 132(a). Creation and composition of district courts – "**a district court shall be a court of record**." A court of record must proceed according to common law – not statute. In a court of record the judge does ministerial functions and has no discretion in a court of record. He's a referee. A **court of record** is a judicial tribunal having attributes and exercising functions independently of the

person of the magistrate designated generally to hold it, **and proceeding according to the course of common law**. (Black's Law Dictionary, 4th Edition, p. 426)

Movant and Heather-Ann:Tucci:Jarraf were not tried in an Article III court of record. Thomas A. Varlan and C. Clifford Shirley fraudulently concealed their jurisdiction under color of law. The FBI, US Attorney, District Court, Appellate Court and others were in on the fraud and concealment. They all knew there was no subject matter jurisidiction and no personal jurisdiction. The Court knew they did not have a valid warrant. The Court obtained personal jurisdiction by means of kidnapping. Movant and Heather-Ann:Tucci:Jarraf were kidnapped.

The trial judge, Thomas A. Varlan, denied Movant and Heather-Ann:Tucci:Jarraf their right to challenge jurisdiction by means of a Motion in Limine filed by the government. "Court must **prove on the record, all jurisdiction facts** related to the jurisdiction asserted." Latana v. Hopper, 102 F. 2d 188; Chicago v. New York, 37 F Supp. 150.

C. Clifford Shirley (magistrate) was assigned to make a recommendation with regard to jurisdiction. However, C. Clifford Shirley was a magistrate and magistrates handle misdemeanor cases – NOT felony cases. A magistrate is not qualified to try a felony case and he/she certainly is not qualified or authorized to make a jurisdiction determination regarding a felony case. No decision made by C.

Clifford Shirley regarding the alleged "felony" case is valid. Furthermore, "A court has no jurisdiction to determine its own jurisdiction, for a basic issue in any case before a tribunal is its power to act, and a court must have the authority to decide that question in the first instance" (Rescue Army v. Municipal Court of Los Angeles, 171 P2d 8; 331 US 549, 91 L. ed. 1666, 67 S.Ct. 1409)

The district court unlawfully took personal jurisdiction by force. The Court did not have a lawful arrest warrant for Movant or Heather-Ann:Tucci:Jarraf. Movant and Heather-Ann:Tucci:Jarraf were kidnapped using fraudulent fictitious signed district court arrest warrants and Thomas A. Varlan and C. Clifford Shirley knew it.

There are two ways for a federal court to gain subject matter jurisdiction: (1) 28 U.S. Code § 1331 (federal question jurisdiction), and (2) 28 U.S. Code § 1332 (diversity jurisdiction). Both pertain to **civil actions**.

Stephen Louis Braga admitted there was no subject matter jurisdiction in the unauthorized appellate brief he filed for Movant in which he cited 28 U.S. Code § 1331 (federal question jurisdiction) as giving the court jurisdiction knowing it pertains to **civil actions** – not criminal.

The district court exceeded its alleged authority – 28 US Code § 132(a) – Creation and composition of district courts. All district courts are courts of record/common law courts, and 28 U.S. Code § 1331- Federal question – district

courts have original jurisdiction of all **civil actions**… and 18 U.S. Code § 3041 – Power of courts and magistrates and constitutional authority (Article III). (Rosenstiel v. Rosenstiel, 278 F. Supp. 794 (S.D.N.Y. 1967)

GROUND EIGHT - Thomas A. Varlan's Good Faith Defense

Thomas A Varlan, trial judge, took it upon himself to include a good-faith defense in the jury instructions. Good faith is a uniform commercial code standard - UCC § 1-304. Obligation of Good Faith. A criminal standard would have been mens rea. Good faith is a defective jury instruction. Varlan intentionally gave the good faith instruction to ensure a guilty verdict and to create an invisible contract.

GROUND NINE - Prejudicial Statements

Thomas A. Varlan allowed Parker Still, FBI agent and witness, to brag to the jury about denying Movant due process. Still said, "…I think that's some of TV stuff where we serve people, put a warrant in their hands…" leading the jury to believe it's somehow okay. (Trial Transcript, Vol. I, P. 69, Line 13-15)

Cynthia F. Davidson, prosecutor, allowed FBI agent Parker Still to speculate in front of the grand jury about Heather-Ann:Tucci:Jarraf "planning military operations" to break Movant out of jail when there was no evidence introduced to show Mrs. Tucci:Jarraf was planning a special forces "operation jail break." (Grand Jury Transcript, P. 56-57, Line 25; 1-3) Heather-Ann:Tucci:Jarraf is not in the military. The appellate judges, Jeffrey Sutton, Deborah L. Cook, and Amul

Thaper (Sixth Circuit) repeated the "planning military operations" in their opinion to affirm the verdict with no evidence Mrs. Tucci:Jarraf was planning a military operation jail break.

Thomas A. Varlan, trial judge, allowed the prosecutors and witnesses to accuse Movant of robbery and theft in front of the jury when there was no robbery or theft charge.

Thomas A. Varlan (trial judge) allowed Cynthia F. Davidson and Anne-Marie Svolto (prosecutors) to include a jury instruction in which they instructed the jury to find fraud even if no one was defrauded – "It is not necessary that the government prove all of the details alleged concerning the precise nature and purpose of the scheme **or** that the material transmitted by wire, radio **or** television communications was itself false **or** fraudulent **or** that the alleged scheme actually succeeded in defrauding anyone **or** that the use of the wire, radio or television communications was intended as the specific **or** exclusive means of accomplishing the alleged fraud **or** that someone relied on the misrepresentation **or** false statement **or** that the defendant obtained money **or** property for his own benefit." (UNITED STATES'S REQUESTED JURY INSTRUCTIONS)

Thomas A. Varlan allowed Anne-Marie Svolto to tell the jury in her opening statement that Movant robbed a bank. There was no robbery charge. (Transcript Volume I, P. 58, Line 4-7, 12)

FBI agent Parker Still testified to the trial jury that Movant's motor home purchase was "similar to a bank robbery." (Transcript, Volume I, P. 25-26, Line 24-25, 1-2) Again, there was no robbery charge.

FBI agent Parker Still testified to the trial jury "…when an FBI gets a call that a bank is getting robbed…" Thomas A. Varlan allowed the prosecutors and their FBI witness to continue to talk about a bank robbery when there was no robbery charge. (Transcript Volume I, P. 57-58, Line 24-25; 1-3)

FBI agent Parker Still accused Movant, in front of the trial jury, of stealing a motor home. There was no charge of a stolen motor home. (Trial Transcript, Volume I, Pg. 63, line 20-25)

Thomas A. Varlan knew the prosecutors and FBI witness speculated in front of the grand jury about a military operation jail break in which no evidence was offered. (Grand Jury Transcript, P. 56-57, Line 25; 1-3) Appellate Judge Jeffrey Sutton repeated the "planning military operations" jail break in his opinion with not even a drop of evidence to support it. He knew Parker Still said he was speculating. (Appellate Opinion, P. 4, ¶ 2)

FBI agent Parker Still intentionally hinted to the trial jury that Movant may be involved in terrorist activity to inflame the jury. . He stated – "We don't know anything else about, you know what his ultimate intent with that. It's 45 feet. You know, you can imagine our – what, you know – the possibilities are unlimited."

No one from the FBI or US Attorney office conducted an investigation or contacted Movant to discuss his intentions regarding the motor home or anything else. Movant was not interviewed by the FBI or the US Attorney. Had they bothered to interview Movant they would have known Movant's intentions.

GROUND TEN - No Article III Standing

The plaintiff, United States of America, did not have Article III standing. They did not satisfy the standing doctrine's core requirement, as established in Lujuan v. Defenders of Wildlife (90-1424), 504 U.S. 555 (1992), that they allege personal injury fairly traceable to Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf. The United States of America is a piece of paper and can't establish anything. Again, Sean O'Malley of the New York Federal Reserve Bank made it clear – "**there was no loss to the U.S. government**" (Trial Transcript Volume 4, P.18, Line 12-13)

There was no cognizable cause of action against Movant or Heather-Ann:Tucci:Jarraf. There was no plaintiff with standing, no sworn complaint, and no injury or loss. (Charles v. Gore, 248 Ill App. 3d 441, 618 N.E. 2d 554 (1st. Dist. 1993)

GROUND ELEVEN - Treaty Violation

C. Clifford Shirley, Jr. (magistrate), Thomas A. Varlan (trial judge), Cynthia F. Davidson, Esquire (Assistant United States Attorney), Anne-Marie Svolto,

Esquire (Assistant United States Attorney), Parker Still, Esquire (FBI special agent) and others each violated the International Covenant on Civil and Political Rights Treaty of which the United States of America is a signatory: **Article 1** recognizes the right of all peoples to self-determination. **Article 6** of the Covenant recognizes the individual's "inherent right to life" and requires it to be protected by law. **Article 9** recognizes the rights to liberty and security of the person. It prohibits arbitrary arrest and detention, requires any deprivation of liberty to be according to law. **Articles 9.3 and 9.4** impose procedural safeguards around arrest, requiring anyone arrested to be promptly informed of the charges against them, and to be brought promptly before a judge. **Article 11** prohibits the use of imprisonment as a punishment for breach of contract. **Article 14** recognizes and protects a right to justice and a fair trial. They violated each of these articles. Movant was compelled to make a plea of not guilty. Movant has not expressed free choice and his right to determine his fate and course of action since he landed in the unlawful vice grip of the organized criminal syndicate behind the conspiracy to deprive rights and deprivation of Movant's rights. Movant's right to life, liberty and the pursuit of happiness has been unlawfully taken through fake arrest warrants, denial of a probable cause hearing, denial of a detention/bail hearing, denial of an appeal, and other violations of due process of law. Movant did not

stand a chance of getting a fair trial because it was a major plot and conspiracy that involved the investigators, prosecutors, judges, clerk, and others.

GROUND TWELVE - Fraud upon the Court.

Thomas A. Varlan (judge), Cynthia F. Davidson (prosecutor) and Anne-Marie Svolto (prosecutor) committed fraud upon the court by stating Davidson and Svolto appeared as counsel for the corporate plaintiff (United States of America) while also representing The People as prosecutors.

Thomas A. Varlan (judge), Cynthia F. Davidson (prosecutor), and Anne-Marie Svolto (prosecutor) committed fraud upon the court when they failed to declare a mistrial or dismiss the case when the corporate United States of America plaintiff, its attorney, counsel or representative failed to appear.

The government and their witnesses knowingly made false claims and created and confirmed to the grand jury and trial jury false impressions that they knew was not true in violation of 31 USC § 3730 – False Claims. An example is saying Movant altered his social security account number by one digit.

Thomas A. Varlan (judge), Cynthia F. Davidson (prosecutor), and Anne-Marie Svolto (prosecutor) committed fraud upon the court by stating the plaintiff is United States of America, but the victim is USAA Bank. They knew the plaintiff did not have standing and therefore there was no jurisdiction. ("In this case, USAA is our victim."-- Trial Transcript, Volume I, P. 24, Line 19-20)

GROUND THIRTEEN - Bona Fide Purchaser

Cynthia F. Davidson, prosecutor, admitted to the grand jury that Movant was a "bonafide purchaser." She said, "**Because that was a, you know, a bona fide purchaser**." (Grand Jury Transcript, Page 40, Line 11-15)

DEFINITION

Bona Fide Purchaser - **One who acts without** covin, **fraud, or collusion**. (Black's Law Dictionary, 4th Edition, P. 224) The prosecutor knew Movant was not guilty of fraud, but she moved forward with the conspiracy.

In trial transcript volume II, page 38, lines 4-5 Cynthia F. Davidson states "During the theft **from** the defendant, Randall Keith Beane..." Cynthia F. Davidson knew Movant was the true victim of theft, and that he did nothing wrong, but she misused her position of trust and prosecuted him anyway.

GROUND FOURTEEN - Territorial Jurisdiction

The territorial jurisdiction of the United States is that which is out of the jurisdiction of any particular state. (18 U.S. Code § 7 – Territorial Jurisdiction of the United States defined).

GROUND FIFTEEN - The Frame Up

Movant and Heather-Ann:Tucci:Jarraf were framed for a fraud and money laundering crime they did not commit. The government manufactured the case.

The case should have been dismissed for witness, prosecutorial and judicial misconduct.

Movant and Heather-Ann:Tucci:Jarraf were targeted by the government. The outcome of the trial was predetermined. Because there was no evidence that Movant or Heather-Ann:Tucci:Jarraf committed fraud the prosecutors had to fabricate a fraud case. They lied to the grand jury that Movant altered his social security account number by one digit, and that he used a 'fraudulent' 'fictitious' account number to access his treasury direct depository account. This is not true. Movant used his exact social security account number. The prosecutors told the grand jury Movant accessed a "**fictitious**" (non-existent, imaginary, make-believe unreal) bank account while at the same time saying Movant took $31,000,494.97 from said fictitious account. It can't be both.

The "fictitious account" lie continued after conviction. The government and USAA bank used that same lie in David True Brown's (USAA Bank Investigator) petition of third party interest to steal the RV motorhome, owned by the Randall Keith Beane Factualized Trust, which was unlawfully seized July 11, 2017 without a warrant. USAA Bank was not the plaintiff. USAA Bank did not make a complaint against Movant or file an affidavit outlining the injury they allegedly sustained as a result of Movant. USAA Bank just showed up after the conviction and made a claim against private Trust property without ever having to provide any

evidence and that was okay with Thomas A. Varlan and the government because they were all part of the conspiracy and plot against Movant.

To get an indictment and conviction the prosecutors deceived the grand jury and trial jury about the definition and meaning of key words: fraud, interstate commerce, and money laundering.

GROUND SIXTEEN - Trespass of the Law

The district court had a responsibility to review the alleged sworn complaint/sworn affidavit and the arrest warrants. The judge accepted a South Carolina arrest warrant they knew was disposed of two years earlier and outside the territory of Tennessee. The judge knew the Tennessee district court arrest warrants were not signed by the clerk as required by 18a U.S. Code Rule 9 (Arrest Warrant on Indictment). The judge accepted these fraudulent arrest warrants because he was part of the plot and conspiracy to deprive Movant and Heather-Ann:Tucci:Jarraf of their rights.

Thomas A. Varlan, trial judge, did not exercise his official judgment and duties in an unbiased manner and this led to him trespassing the law and exercising power and authority he did not lawfully have. Thomas A. Varlan was motivated by a $511,289.02 criminal monetary penalty he would charge Movant once Movant was convicted. Thomas A. Varlan demanded Movant pay the $511,289.02 immediately and in a lump sum. In the judgment Thomas A. Varlan said "**Having**

assessed the defendant's ability to pay." Where did he see Movant had $511,289.02? There could only be two sources from which Thomas A. Varlan was able to see $511,289.02 – Movant's treasury direct depository account which is at the center of this case, or the $31,000,494.97 that was in Movant's personal and private USAA Bank account that disappeared without a warrant.

Mr. Beane had the right to privacy and confidentiality free from unwarranted invasion. USAA Bank was obligated to adhere to the FDIC's regulations regarding privacy of consumer financial information -- 12 CFR § 332.10. The government was obligated to uphold the Privacy Act of 1974 and Tennessee Code Annotated (T.C.A). § 10-7-515 which prohibits placing social security numbers on documents. But they all intentionally violated Movant's privacy without a warrant and put Movant's social security account number on the trial transcripts un-redacted to be able to later access Movant's account once Movant was convicted.

Thomas A. Varlan's demand for $511,289.02 from Movant makes it clear Thomas A. Varlan knew the money was lawfully Movant's. Thomas A. Varlan certainly did not order Movant to give him $511,289.02 that he believed belonged to someone else.

Thomas A. Varlan knew the whole case was a government manufactured lie. He knew Movant and Heather-Ann:Tucci:Jarraf did not commit a crime. He

allowed the unlawful prosecution to move forward for monetary gain and unjust enrichment.

The orders/judgments were based on a void order/judgment. (Austin v. Smith,312 F 2d 337, 343 (1962); English v. English, 72 Ill. App. 3d 736, 393 N.E. 2d 18(1st Dist. 1979)

GROUND SEVENTEEN - The UNITED STATES OF AMERICA Corporation

Plaintiff, United States of America, is a Delaware corporation. (File #2193946 – United States of America, Inc. and File #4525682 – The United States of America)

In the sentencing proceedings, Thomas A. Varlan stated the "United States" **or** the government." He distinguished between the two because they are not one and the same. Varlan clearly was speaking of the United States corporation defined in 28 U.S.C. § 3002(15) -- "United States" means – (A) a Federal corporation. It was not the government the prosecutors represented. It was a corporation impersonating the government. (Sentencing Proceedings Before Thomas A. Varlan, Tuesday, July 24, 2018, Document 240, P. 10, Line 12)

GROUND EIGHTEEN - No Felonious Conduct

The indictment and arrest warrant charging documents do not mention the word "felony" or "felonious" which is required for an indictment for a felony charge. Without felonious conduct an offense is a non-indictable tort. Without a

formal and sufficient indictment, a court does not acquire subject matter jurisdiction and thus an accused may not be punished for a crime. (Honomichl v. State, 333 N.W.2d 797, 798 (S.D. 1983).

DEFINITION

"FELONIOUSLY, pleadings. This is a technical word which **must be introduced into every indictment for a felony, charging the offence to have been committed feloniously**; no other word, nor any circumlocution, will supply its place. (**BOUVIER** -- A Law Dictionary Adapted to the Constitution and Laws of The United States of America Union by John Bouvier, Revised Sixth Edition, 1856, p. 764)

GROUND NINETEEN - Denial of Exculpatory Evidence

Cynthia F. Davidson (prosecutor) and Anne-Marie Svolto (prosecutor) violated their constitutional obligations by not turning over exculpatory Brady material to include the emails between Parker Still (FBI) and True Brown (USAA Bank Investigator and former FBI agent), the FBI Sentinel file, the disposed of South Carolina misdemeanor traffic bench warrant (bench warrant was not signed by a judge/bench – it was signed by the Ridgeland, SC clerk) to Movant. The jury was denied the right to see or hear the exculpatory evidence.

GROUND TWENTY - Counts 1-5 plus two more

Cynthia F. Davidson (prosecutor) presented FBI "witness" testimony for five (5) counts to the grand jury for review and consideration. The five counts included bank wire, bank fraud, and money laundering. The jury foreperson signed an indictment that same day with seven (7) counts. There was no witness testimony for the additional two counts. There is no transcript showing additional witness testimony was presented to the grand jury. As part of the conspiracy they just padded the indictment.

GROUND TWENTY-ONE - Who is the plaintiff?

Movant was denied the true name of the Plaintiff as required by the Supreme Court - "Complaint must identify at least one Plaintiff by true name; otherwise no action has been commenced." Roe vs. New York,(1970, SD NY) 49 FRD 279, 14 FR Serv 2d 437, 8 ALR Fed 670.

GROUND TWENTY-TWO - Non-constitutional "laws" or "codes" do not apply to the American people

The agreement between the U.S. Speaker of the House, the Office of Law Revision Counsel (OLRC), and the judiciary committee is a private agreement to create and edit non-constitutional "laws" or "codes" that have absolutely nothing to do with the American people or the constitutional responsibilities of congress under Article I. There is no allowance for the creation of non-constitutional laws, or codes, in the constitution.

MEMORANDUM OF LAW

I. The Nature of Subject Matter Jurisdiction.

The jurisdiction of a court over the subject matter has been said to be essential, necessary, indispensable and an elementary prerequisite to the exercise of judicial power. 21 C.J.S., "Courts," § 18, p. 25. A court cannot proceed with a trial or make a judgment without such jurisdiction existing.

It is elementary that the jurisdiction of the court over the subject matter of the action is the most critical aspect of the court's authority to act. Without it the court lacks any power to proceed; therefore, a defense based upon this lack cannot be waived and may be asserted at any time. Matter of Green, 313 S.E.2d 193 (N.C.App. 1984).

Subject matter jurisdiction cannot be conferred by waiver or consent, and may be raised at any time. Rodriguez v. State, 441 So. 2d 1129 (Fla.App. 1983). The subject matter jurisdiction of a criminal case is related to the cause of action in general, and more specifically to the alleged crime or offense which creates the action.

The subject matter of a criminal offense is the crime itself. Subject matter in its broadest sense means the cause; the object; the thing in dispute. Stillwell v. Markham, 10 P.2d 15, 16 135 Kan. 206 (1932)

An indictment or complaint in a criminal case is the main means by which a court obtains subject matter jurisdiction, and is "the jurisdictional instrument upon which the accused stands trial." State v. Chatman, 671 P.2d 531, 538 (Kan. 1983). The indictment or complaint is the foundation of the jurisdiction of the magistrate or court. Thus if these **charging instruments are invalid**, there is a lack of subject matter jurisdiction.

Without a formal and sufficient indictment or information, a court does not acquire subject matter jurisdiction and thus an accused may not be punished for a crime. Homomichi v. State, 333 N.W.2d 797, 798 (S.D.1983).

A formal accusation is essential for every trial of a crime. Without it the court acquires no jurisdiction to proceed, even with the consent of the parties, and where the indictment or information is invalid the court is without jurisdiction. Ex parte Carlson, 186 N.W. 722, 725, 176 Wis. 538 (1922).

Without a valid complaint/indictment any judgment or sentence rendered is "void ab initio." Ralph v. Police Court of El Cerrito, 190 P.2d 632, 634, 84 Cal. App.2d 257 (1948).

Jurisdiction to try and punish for a crime cannot be acquired by the mere assertion of it, or invoked otherwise than in the mode prescribed by law, and if it is not so acquired or invoked any judgment is a nullity. 22 C.J.S., "Criminal Law," § 167, p. 202.

The charging instrument must not only be in the particular mode or form prescribed by the constitution and statute to be valid, but it also must contain reference to **valid laws**. Without a valid law, the charging instrument is insufficient and no subject matter jurisdiction exists for the matter to be tried.

Where an information/indictment charges no crime, the court lacks jurisdiction to try the accused. People v. Hardiman, 347 N.W.2d 460, 462, 132 Mich.App. 382 (1984).

Whether or not the complaint/indictment charges an offense is a jurisdictional matter. Ex parte Carlton, 186 N.W. 722, 725, 176 Wis. 538 (1922).

An invalid law charged against one in a criminal matter also negates subject matter jurisdiction by the sheer fact that it fails to create a cause of action. "Subject matter jurisdiction is the thing in controversy." Holmes v. Mason, 115 N.W. 70, 80 Neb. 454, citing Black's Law Dictionary. **Without a valid law, there is no issue or controversy for a court to decide upon. Thus, where a law does not exist or does not constitutionally exist, or where the law is invalid, void or unconstitutional, there is no subject matter jurisdiction to try one for an offense alleged under such a law.**

If a criminal statute is unconstitutional, the court lacks subject matter jurisdiction and cannot proceed to try the case. 22 C.J.S. "Criminal Law," § 157, p. 189; citing People v. Katrinak, 185 Cal. Rptr. 869, 136 Cal.App.3d 145 (1982).

Where the offense charged does not exist, the trial court lacks jurisdiction. State v. Christensen, 329 N.W.2d 382, 383, 110 Wis.2d 538 (1983).

Not all statutes create a criminal offense. Thus where a man was charged with "a statute which does not create a crime," such person was never legally charged with any crime or lawfully convicted because the trial court did not have "jurisdiction of the subject matter," State ex rel. Hansen v. Rigg, 258 Minn. 388, 104 N.W.2d 553 (1960). There must be a valid law in order for subject matter to exist.

In a case where a man was convicted of violating certain sections of some laws, he later claimed that the laws were unconstitutional which deprived the county court of jurisdiction to try him for those offenses. The Supreme Court of Oregon held:

If these sections are unconstitutional, the law is void and an offense created by them is not a crime and a conviction under them cannot be a legal cause of imprisonment, for no court can acquire jurisdiction to try a person for acts which are made criminal only by an unconstitutional law. Kelly v. Meyers, 263 Pac. 903, 905 (Ore. 1928).

Without a valid law there can be no crime charged under that law, and where there is no crime or offense there is no controversy or cause of action, and without a cause of action there can be no subject matter jurisdiction to try a person accused

of violating said law. The court then has no power or right to hear and decide a particular case involving such invalid or nonexistent laws.

These authorities and others make it clear that if there are no valid laws charged against a person, there is nothing that can be deemed a crime, and without a crime there is no subject matter jurisdiction. Further, invalid or unlawful laws make the complaint/indictment fatally defective and insufficient, and without a valid complaint/indictment there is a lack of subject matter jurisdiction.

Movant asserts that the laws charged against him are not valid, or do not constitutionally exist as they do not conform to certain constitutional prerequisites, and thus are no laws at all, which prevents subject matter jurisdiction to the District Court for the Eastern District of Tennessee.

The indictment in question alleges that Movant has committed several crimes by the violation of certain laws which are listed in said indictment:

18 U.S. Code § 1343 – Fraud by wire, radio, or television

18 U.S. Code § 1344 – Bank Fraud

18 U.S. Code § 1956 – Laundering of monetary instruments

18 U.S. Code § 1957 – Engaging in monetary transactions in property derived from specified unlawful activity

Movant has been informed that these laws or statutes used in the indictment against Movant are located in and derived from the U.S. Code. The U.S. Code was written by the judiciary committee, the Office of Law Revision Counsel (OLRC), and the Speaker of the House. This is not an authorized source. The Constitution does not authorize the judiciary committee, the OLRC and the Speaker to create the U.S. Code or U.S. law. Over 70% of the legislators in this nation use Mason's Manual (https://www.ncsl.org/research/about-state-legislatures/2010-masons-manual.aspx) and therefore agree that "A public body cannot delegate its powers, duties or responsibilities to any other person or groups, including a committee of its own members." (Masons Manual, 2010, Sec. 51, p. 46) Also, "A legislative body can ratify only such actions of its officers, committees or delegates as it had the right to authorize in advance. It cannot ratify or make valid anything done in violation of the constitution." (Mason's Manual, 2010, Sec. 443.2, p. 294) And, "No motion or measure is in order that conflicts with the constitution of a state or the U.S. Constitution or with treaties of the United States, and if such a motion or measure be adopted, even by a unanimous vote, it is null and void." (Mason's Manual, 2010, Sec. 517.1, p. 353)

II. What is the purpose of the enacting clause?

The purpose of an enacting clause is to establish it as an act of congress and to afford evidence of its legislative statutory nature and to prevent fraud. (State v.

Patterson, 4 S.E. 350, 352, 98 N.C. 660 (1887); 82 C.J.S. "Statutes," § 65, p. 104; Joiner v. State, 155 S.E.2d 8, 10, 223 Ga. 367 (1967).

The enacting clause is to show the authority by which the bill is enacted into law; to show that the act comes from a place pointed out by the Constitution as the source of legislation. Ferrill v. Keel, 151 S.W. 269, 272, 105 Ark. 380 (1912).

To fulfill the purpose of identifying the lawmaking authority of a law, it has been repeatedly declared by the courts of this land that an enacting clause is to appear on the face of every law which the people are expected to follow and obey.

The almost unbroken custom of centuries has been to preface laws with a statement in some form declaring the enacting authority. The purpose of an enacting clause of a statute is to identify it as an act of legislation by expressing **on its face the authority behind the act**. (73 Am. Jur.2d, "Statutes," § 93, p. 319, 320; Preckel v. Byrne, 243 N.W. 823, 826 62 N.D. 356 (1932).

For an enacting clause to appear on the face of a law, it must be recorded or published with the law so that the public can readily identify the authority for that particular law which they are expected to follow. The "statutes" used in the indictment against Movant have no enacting clauses. They thus cannot be identified as acts of legislation of congress pursuant to its lawmaking authority under Article I of the Constitution, since a law is mainly identified as a true and Constitutional law by way of its enacting clause. The Supreme Court of Georgia

asserted that a statute must have an enacting clause, even though their state constitution had no provision for the measure. The Court stated that an enacting clause establishes a law or statute as being a true and authentic law: The enacting clause is that portion of a statute which gives it jurisdictional identity and constitutional authenticity. Joiner v. State, 155 S.E.2d 8, 10 (Ga. 1967).

The failure of a law to display on its face an enacting clause deprives it of essential legality, and renders a statute which omits such clause as "a nullity and of no force of law." Joiner v. State, supra. The codes/statutes cited in the indictment have no jurisdictional identity and are not authentic laws under the Constitution.

The Court of Appeals of Kentucky held that the constitutional provision requiring an enacting clause is a basic concept which has a direct affect upon the validity of a law. The Court, in dealing with a law that had contained no enacting clause, stated:

The alleged act or law in question is unnamed: it **shows no sign of authority**; it carries with it **no evidence** that the General Assembly or any other lawmaking power is responsible or answerable for it. By an enacting clause, the makers of the Constitution intended that the General Assembly should make its impress or seal, as it were, upon each enactment for the sake of identity, and to assume and show responsibility. While the Constitution makes this a necessity, it did not originate it. The custom is in use practically everywhere, and is as old as

parliamentary government, as old as king's decrees, and even they borrowed it. The decrees of Cyrus, King of Persia, which Holy Writ records were not the first to be prefaced with a **statement of authority**. The law was delivered to Moses in the name of the Great I Am, and the prologue to the Great Commandments is no less majestic and impelling. But, whether these edicts and commands be promulgated by the Supreme Ruler or by petty kings, or by the sovereign people themselves, they have always begun with some such form **as evidence of power and authority**. Commonwealth v. Illinois Cent. R. Co. 170 S.W. 171, 172, 175. 160 Ky. 745 (1914)

The "laws" used against Movant show no sign of authority on their face. They carry with them no evidence that congress, pursuant to Article I of the Constitution, is responsible for these "laws." Without an enacting clause the laws referenced to in the indictment have no official evidence that they are from an authority which anyone is subject to or required to obey.

When the question of the "objects intended to be secured by the enacting clause provision" was before the Supreme Court of Minnesota, the Court held that such a clause was necessary to show the people who are to obey the law, the authority for their obedience. It was revealed that historically this was a main use for an enacting clause, and thus its use is a fundamental concept of law. The Court stated:

All written laws, in all times and in all countries, whether in the form of decrees issued by absolute monarchs, or statutes enacted by king and council, or by a representative body have, as a rule, **expressed upon their face the authority by which they were promulgated or enacted**. The almost unbroken custom of centuries has been to preface laws with a statement in some form declaring the **enacting authority**. If such an enacting clause is a mere matter of form, a relic of antiquity, serving no useful purpose, why should the constitutions of so many of our states require that all laws **must have** an enacting clause, and prescribe its form. If an enacting clause is useful and important, if it is desirable that laws **shall bear upon their face the authority by which they are enacted, so that the people who are to obey them need not search legislative and other records to ascertain the authority**, then it is not beneath the dignity of the framers of a constitution, or unworthy of such an instrument, to prescribe a uniform style for such enacting clause.

The words of the constitution, that the style of all laws of this state shall be, "Be it enacted by the legislature of the state of Minnesota," imply that **all laws** must be so expressed or declared, to the end that they may **express upon their face the authority by which they were enacted**; and, if they do not so declare, **they are not laws of this state**. (Sjoberg v. Security Savings & Loan Assn, 73 Minn. 203, 212-214 (1898).

In speaking on the necessity and purpose that each law be prefaced with an enacting clause, the Supreme Court of Tennessee quoted the first portion of the Sjoberg case cited above and stated:

The purpose of provisions of this character is that **all statutes** may **bear upon their faces a declaration of sovereign authority** by which they are enacted and declared to be the law, and to promote and preserve uniformity in legislation. Such clauses also import a command of obedience and clothe the statute with a certain dignity, believed in all times to command respect and aid in the enforcement of laws. State v. Burrow, 104 S.W. 526, 529 119 Tenn. 376 (1907).

The use of an enacting clause does not merely serve as a "flag" under which bills run the course through the legislative machinery. (Vaughn Ragsdale Co. v. State Bd. Of Eq., 96 P.2d 420, 424 (Mont. 1939). The enacting clause of a law goes to its substance, and is not merely procedural. Morgan v. Murray, 328 P.2d 644, 654 (Mont. 1958).

Any purported statute which has no enacting clause **on its face** is not legally binding and obligatory upon the people, as it is not constitutionally a law at all. The Supreme Court of Michigan, in citing numerous authorities, said that an enacting clause was a requisite to a valid law since the enacting provision was mandatory:

It is necessary that **every law** should show **on its face the authority** by which it is adopted and promulgated, and that it should clearly appear that it is intended by the legislative power that enacts it that it should take effect as a law. People v. Dettenthaler, 77 N.W. 450, 451, 118 Mich. 595 (1898); citing Swann v. Buck, 40 Miss. 270.

The laws in the "US Code" do not show on their face the authority by which they are adopted and promulgated. There is nothing on their face which declares they should be law, or that they are of the proper legislative authority.

These and other authorities all hold that the enacting clause of a law is to be "on its face." It must appear directly above the content or body of the law. To be on the face of the law does not and cannot mean that the enacting clause can be buried away in some other volume or some other book or records.

Face. The surface of anything, especially the front, upper, or outer part or surface. That which particularly offers itself to the view of a spectator. That which is shown to be the language employed, without any explanation, modification, or addition from extrinsic facts or evidence. Black's Law Dictionary, 5th Edition, p. 530.

The enacting clause must be intrinsic to the law, and not extrinsic to it, that is, it cannot be hidden away in other records or books. Thus the enacting clause is

regarded as part of the law, and has to appear directly with the law, on its face, so that one charged with said law knows the authority by which it exists.

III. Laws Must be Published and Recorded with Enacting Clauses

1 U.S. Code § 101 (Enacting Clause) says "The enacting clause **of all Acts of Congress** shall be in the following form: "Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled." This means to be a law it must say "Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled." If this clause does not appear before a supposed law then it is not a law of the United States.

Since it has been repeatedly held that an enacting clause must appear "on the face" of a law, such a requirement affects the printing and publishing of laws.

It is obvious, then, that the enacting clause must be readily visible on the face of a statute in the common mode in which it is published so that citizens don't have to search through the legislative journals or other records and books to see the kind of clause used, or if any exists at all. Thus a law in a statute book without an enacting clause is not a valid publication of law. In regards to the validity of a law that was found in their statute books with a defective enacting clause, the Supreme Court of Nevada held:

Our constitution expressly provided that the enacting clause of every law shall be, "The people of the state of Nevada, represented in senate and assembly, do enact as follows." This language is susceptible of but one interpretation. There is no doubtful meaning as to the intention. It is, in our judgment, an imperative mandate of the people, in their sovereign capacity, to the legislature, requiring that **all laws** to be **binding upon them**, shall, **upon their face** express the authority by which they were enacted; and, since this act comes to us without such authority appearing upon its face, it is not a law." State of Nevada v. Rogers, 10 Nev. 120, 261 (1875); approved in Caine v. Robbins, 131 P.2d 516, 518, 61 Nev. 416 (1942) Kefauver v. Spurling, 290 S.W. 14, 15 (Tenn. 1926).

The preceding examples and declarations on the use and purpose of an enacting clause shows beyond doubt that nothing can be called or regarded as a law which is published without an enacting clause on its face. Again, All laws must bear on their face a specific enacting style according to 1 U.S. Code § 101.Enacting clause – "The enacting clause of all Acts of Congress shall be in the following form: "Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled." All laws must be published with this clause in order to be valid laws.

IV. The U.S. Codes are of an Unknown and Uncertain Authority

The "codes" are not only absent enacting clauses, but are surrounded by other issues and facts which make their authority unknown, uncertain, and questionable.

The codes do not make it clear by what authority they exist. The codes have no enacting authority on their face. In fact, there is not a hint that congress had anything at all to do with these so-called codes. The codes are just words which carry no authority of any kind on their face.

The people's representatives have unlawfully given their Article I responsibilities to others. The Congress no longer declares war. They gave this job to the executive branch. The Congress does not coin money and regulate the value thereof. They gave this job to the private Federal Reserve corporation. The Congress does not lay and collect taxes. They gave this job to the private IRS corporation. The Congress no longer makes laws to carry out Article I. They gave this job to the Office of Law Revision Counsel, judiciary committee, and the Speaker of the House. The Congress is guilty of treason against the Constitution and the American people. It is clear the US Speaker of the House, his/her Office of Law Revision Counsel, and the judiciary committee wrote the US Code – NOT the people's representatives – the Congress as a whole.

2 U.S. Code Chapter 9A - OFFICE OF LAW REVISION COUNSEL:

"There is established in the House of Representatives an office to be known as the Office of the Law Revision Counsel, referred to hereinafter in this chapter as the "Office"."

2 U.S. Code § 285b – Functions – The functions of the Office shall be as follows:

(1) To prepare, and submit to the Committee on the Judiciary one title at a time, a complete compilation, restatement, and revision of the general and permanent **laws of the United States**…"

(2) "To examine periodically all of the public laws enacted by the Congress and submit to the Committee on the Judiciary recommendations for the repeal,.."

(3) "To **prepare and publish** periodically a new edition of **the United States Code**…"

(4) To classify newly enacted provisions of law to their proper positions in the Code where the titles involved have **not yet** been **enacted into positive law**.

2 U.S. Code § 285c - Law Revision Counsel

The management, supervision, and administration of the Office are vested in the Law Revision Counsel…**shall serve at the pleasure of the Speaker**.

2 U.S. Code § 285e – Compensation

The Law Revision Counsel shall be paid at a per annum gross rate **determined by the Speaker** not to exceed the greater of $173,900 or the rate of pay in effect for such position under an order issued by the Speaker…

The Office of Law Revision Counsel (OLRC) does not say the codes are the official laws. They say the code is evidence of the law – 1 US Code § 204 and 1 U.S. Code § 112 . There are confusing and ambiguous statements made by the OLRC as to the nature and authority of the codes. It is not at all made certain that they are laws pursuant to the Constitution. That which is uncertain cannot be accepted as true or valid in law.

Uncertain things are held for nothing. Maxim of Law. The law requires, not conjecture, but certainty. Coffin v. Ogden, 85 U.S. 120, 124

Where the law is uncertain, there is no law. Bouvier's Law Dictionary, vol. 2, "Maxims," 1880 edition

The purported codes do not make it clear by what authority they exist. The statutes therein have no enacting authority on their face. There is no indication Congress had anything at all to do with these codes. They clearly admit in 2 U.S. Code § 285b (3) that **the United States Code is prepared and published by the Office of Law Revision Counsel**. No one elected the Office of Law Revision Counsel for anything. The OLRC was created by statute. They are not

creatures of the Constitution. Thus the codes used against Movant and Heather-Ann:Tucci:Jarraf are idle words which carry no authority on their face.

More than seventy percent (70%) of the nation's legislators agree "The **enacting clause**, which also may be called the enacting authority or enacting style, **follows immediately after a bill's preamble or title and precedes the body of the bill**. It is a statement of the words declaring enactment by the proper legislative authority which every bill must contain and which are **requisite to the validity of a law**." (Mason's Manual, Sec. 729, Pg. 503)

https://www.ncsl.org/research/about-state-legislatures/2010-masons-manual.aspx

V) Established Rules of Constitutional Construction

Judges are not to consider the political or economic impact that might ensue from upholding the Constitution as written. They are to uphold it no matter what may result, as that ancient maxim of law states: "Though the heavens may fall, let justice be done."

Based upon the above, Movant moves that the conviction and sentence be set-aside and vacated for lack of subject matter jurisdiction and for lack of personal jurisdiction.

A court lacking jurisdiction cannot render judgment but must dismiss the cause at any stage of the proceedings in which it becomes apparent that jurisdiction is lacking. United States v. Siviglia, 686 Fed.2d 83222, 835 (1981), cases cited.

The failure to uphold the clear and plain provisions of the Constitution cannot be regarded as mere error in judgment, but deliberate USURPATION. "Usurpation is defined as unauthorized arbitrary assumption and exercise of power." State ex rel. Danielson v. Village of Mound, 234 Minn. 531, 543, 48 N.W.2d 855, 863 (1951). While error is only voidable, such usurpation is void.

The boundary between an error in judgment and the usurpation of judicial power is this: The former is reversible by an appellate court and is, therefore, only voidable, which the latter is a nullity. State v. Mandehr, 209 N.W. 750, 752 (Minn. 1926)

To take jurisdiction where it clearly does not exist is usurpation, and no one is bound to follow acts of usurpation, and in fact it is a duty of citizens to disregard and disobey them since they are void and unenforceable.

No authority need be cited for the proposition that, when a court lacks jurisdiction, any judgment rendered by it is void and unenforceable. Hooker v. Boles, 346 Fed.2d 285, 286 (1965).

To assume jurisdiction in this case would result in TREASON. Chief Justice John Marshall once stated:

> We judges have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be

treason to the constitution. Cohens v. Virginia, 6 Wheat. (19 U.S.) 264, 404 (1821).

The judge of this court took an oath to uphold and support the Constitution and his blatant disregard of that obligation and allegiance can only result in an act of treason.

If this court departs from the clear meaning of the Constitution, it will be regarded as a blatant act of TYRANNY. Any exercise of power which is done without the support of law or beyond what the law allows is tyranny.

It has been said, with much truth, "Where the law ends, tyranny begins." Merritt v. Welsh, 104 U.S. 694, 702 (1881).

By the concept of "constitutional avoidance," it is never presumed that the congress intended to act contrary to the Constitution or Bill of Rights, or that it meant to exercise or usurp any unconstitutional authority even though it is so plainly clear congress did intend to usurp the Constitution and Bill of Rights. The Constitution assigns eighteen (18) tasks to congress. That's it! Congress continues to lie to the American people and pretend they are operating within the confines of the Constitution when they intentionally and knowingly trespass the law at every opportunity. You cannot adopt the interpretation that avoids constitutional conflict. Congress acted knowingly and intentionally when they allowed a committee, the Speaker and the Office of Law Revision Counsel to create the non-

constitutional U.S. code and trick the American people into believing it applies to them.

Through the creation of the Office of Law Revision Counsel, non-constitutional grounds and issues have been intentionally created to circumvent the application of constitutional law.

The legal entities, administrative agencies or bodies were created by statute and have no relationship to the people. The relationship to an entity determines the authority for the "law" it might make.

Creatures of the Constitution, like members of congress, do not have power to question the Constitution's authority or to hold inoperative any section or provision of it. Members of congress were not tasked with creating non-constitutional legal entities or corporate bodies that exist outside the restrictions and limits of the Constitution. Any non-constitutional law stemming from Constitutional creatures going outside or around the constitution is not a ticket for judges to make decisions on some ground other than a constitutional one. There is no issue that can be decided without reference to the Constitution as it relates to the American people.

A law is constitutional if it conforms to the written constitution of this nation; it is unconstitutional if it is repugnant to that constitution and this is based

upon the presumption that the law was enacted and passed by the constitutional body which is authorized to do so – a creature of the Constitution.

The Office of Law Revision Counsel, who prepared and published the United States Code, is not a "creature" of the Constitution. They are a creation of Congress and thus are creatures of statute. The "laws" they write are not subject to any Constitution. Thus any conflict an American might have with their laws is not subject to a constitutional attack. As non-constitutional entities there is no constitutional issue that can be raised.

The laws Americans are being charged with violating are written by commissions, committees, offices, counsels, and are held out to the public as being laws of the nation. But we are not required to follow these laws as they do not come from a constitutional source. Congress created these legal entities to write laws to make it appear they are laws of Congress. Congress has woven a treasonous web of deceit.

To create an issue for trial the government concocted a charge and then forced Movant to have to deny said charge. In a criminal matter the issue is that a law has or has not been violated. But if there is no valid law, or the accused is not subject to the law in question, no issue can legally exist as the basis for the point of contention does not legally exist.

The corrupt legal system arbitrarily formed codes and statute revisions. Complaints and indictments cite laws from these codes which contain no enacting clauses. Any law which fails to have an enacting clause is not a law of the legislative body to which we are constitutionally subject. The laws from the U.S. Code are from another legal entity, that being some commission, committee, or office.

Since there are no valid laws on the complaint/indictment, there legally is no issue before the court. But the court system creates an issue by asking the accused how he pleads to the charges. The plea causes an issue to exist because it creates a controversy. The controversy relates to what is on the complaint/indictment because the plea acknowledges that it is a genuine document. That is the way the plea is interpreted by the criminals running the system, but that is not what the plea means. The plea is forced – coerced – and the result of trickery and deception. It is not an agreement to charges or the existence of a controversy.

It is essential to a valid trial that in some way there should be an issue between the state and the accused, and without a plea, there could be no issue this is why deception, trickery, and coercion are used. Criminals within our system say that if you make a plea of "not guilty" to a charge of violating one of those OLRC's US codes you have admitted or acknowledge that the law used in the indictment is genuine, and that it has now been established that there exists an

issue which can be tried. Without a doubt, no such admission has been made and no such law exists within the framework of our Constitution. These are non-constitutional laws created by the OLRC, a committee, and the Speaker – all of whom should be charged and tried for treason. There is clearly a lack of subject matter jurisdiction because the laws used have no enacting clauses and are thus void. It is an issue of authority for a law to exist as a law of the Congress.

When one is charged with a violation of some "Code" of some committee, the court proceedings are in equity since the conflict is not with a constitutional source of law, or with a common law crime.

DEFINITION:

EQUITY. In its broadest and most general signification, this term denotes the spirit and the habit of fairness, justness, and right dealing which would regulate the intercourse of men with men, —the rule of doing to all others as we desire them to do to us; or, as it is expressed by Justinian, "to live honestly, to harm nobody, to render to every man his due."

In a restricted sense, the word denotes equal and impartial justice as between two persons whose rights or claims are 'in conflict; justice, that is, as ascertained by natural reason or ethical insight, but independent of the formulated body of law.

In a still more restricted sense, it is a system of jurisprudence, or branch of remedial justice, administered by certain tribunals, distinct from the common-law courts and empowered to decree "equity" in the sense last above given.

Equity also signifies an equitable right, a right enforceable in a court of equity; hence, a bill of complaint which did not show that the plaintiff had a right entitling him to relief was said to be demurrable for want of equity; and certain rights now recognized in all the courts are still known as "equities…" (Black's Law Dictionary, Fourth Edition, p. 634-35)

A crime exists when a law exists which prohibits or commands an action. If there is no law, there can be no crime, and if there is no crime, there can be no subject matter jurisdiction of the court to hear a matter. A non-constitutional law has the same effect upon a complaint or indictment as does an unconstitutional law or a non-existent law. It renders the charging instrument void.

A non-constitutional law is not a law to which we are subject, so doing what it prohibits cannot constitute a crime. Thus if Ford Motor Company passes a law requiring all persons to show up for work by 6:00 am or they will lose their jobs, it is a non-constitutional law. Unless one is an employee of Ford Motor Company, he/she is not subject to that law and so cannot be charged for violating it. Because it is a non-constitutional law it has no force and effect as a law over you and the court lacks subject matter jurisdiction to try the matter.

Ford Motor Company can pass all sorts of rules, regulations and laws, but none of them can ever be declared unconstitutional. But they are not valid laws which we are subject to, for we have no legal relationship to this entity. Likewise, we have no legal relationship to the Office of Law Revision Counsel (OLRC) which prepared and published the United States Codes.

The codes were nefariously created to bring laws into existence that is not limited to the confines of the constitution or the common law.

It has been repeatedly said that the codes were done for the sake of "convenience." It also has been said that it would not be feasible to have the enacting clause precede every law within a comprehensive code. But nothing is ever said about the constitutionality of such a measure. If those in government are free to do things based solely upon what they deem to be more practicable or convenient, then we truly live under an arbitrary and despotic government.

The Constitution was written to prescribe certain ways of doing things, which means there will no doubt be other means of doing the same thing which are easier and more convenient. Government naturally tends to do that which is easier and more convenient for their own sake. Whenever they do so they always transcend constitutional limitations and trespass on individual rights, and all of history attests that this is the result of arbitrary action.

The enacting clause acts as a sign or seal of constitutional authority of law. All things that bear the seal are recognized as existing by constitutional authority. The government has presented to the public a collection of codes claiming they are from the Congress, but the laws in the US code do not have the seal of authority upon them. They do not have the official enacting clause upon them to indicate they are laws from congress. They thus are laws which no one needs to respect or obey.

TIMELINESS OF MOTION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2255 does not bar your motion.

There is no statute of limitations for constitutional violations.

Randall-Keith:Beane, Movant, recently learned of the major conspiracy violating 18 U.S. Code § 241.Conspiracy against rights, and 18 U.S. Code § 242.Deprivation of rights under color of law and other Constitutional violations against Movant and Heather-Ann:Tucci:Jarraf by the government and others. This information was learned through the attached complaint received March 2021. The government acknowledged some of their wrong-doing and unlawful conduct following receipt of the March 11, 2021 complaint when they released Heather-Ann:Tucci:Jarraf to home confinement.

Movant has been false imprisoned and denied access to research and information by the government since July 11, 2017 to include denial of a detention

hearing that would have allowed Movant to exercise due diligence and discover sooner the plot and conspiracy against Movant in which the government used a 2015 disposed of South Carolina misdemeanor traffic warrant and fictitious signed district court arrest warrants to launch their manufactured case against Movant. Movant was prevented from making a motion as a result of governmental actions which blocked Movant from accessing information that would have revealed the government's criminal and unconstitutional conduct including the government's failure to provide Movant with exculpatory Brady material before, during, or after the trial.

The government further blocked Movant from discovering their conspiracy plot against him and Heather-Ann:Tucci:Jarraf by denying Movant his right to prepare for and file an appeal. The co-conspirators in the government and the appellate court appointed traitors to file an appellate brief for Movant and Heather-Ann:Tucci:Jarraf without Movant or Mrs. Tucci:Jarraf's consent, approval or participation. The government impediment has not been removed, but it is less successful. S. Robinson and others filed a complaint in March 2021 with supporting documents revealing the constitutional violations and criminality of the government and others. The violations include operating outside their territorial jurisdiction, knowing use of the 2015 **disposed of** South Carolina misdemeanor

traffic related bench warrant to arrest Movant in Tennessee July 11, 2017, and creation of district court issued arrest warrants signed by a fictitious deputy clerk.

The government used trickery and deceit to hide the true facts of the case. The government used smoke and mirrors to create the illusion of a crime knowing there was no crime. The government manufactured evidence to support their illusion denying Movant every opportunity to exercise due diligence to discover the crimes committed by the government. The facts supporting Movant's claims made in this motion could not have been discovered before March 2021 as Movant was blocked from all files and records and it was through the filing of the March 2021 complaint that Movant learned of the Constitutional violations and crimes committed against Movant and Heather-Ann:Tucci:Jarraf by the government and others.

Movant did not know a 2015 disposed of South Carolina arrest warrant was used to arrest Movant July 11, 2017. The prosecutors hid this fraud from Movant.

Movant did not know the arrest warrant issued by the district court for the Eastern District of Tennessee was signed by a fictitious deputy clerk and not in legal form. The prosecutors hid this fraud from Movant and denied Movant the time and resources needed and required for Movant to make said discovery.

On or about March 2021 Movant received a copy of the complaint filed by S. Robinson and others which outlines the conspiracy and fraud orchestrated by the

seeming organized crime syndicate listed below known as the government and bankers. Please see the complaint attached to and made part of this motion.

The FBI

Parker Still, Esq.	-	FBI Special Agent - Knoxville, Tennessee
Jimmy Durand	-	FBI Special Agent - Knoxville, Tennessee
Jason Pack	-	FBI Special Agent - Knoxville, Tennessee
Joelle Vehec	-	FBI Special Agent - Knoxville, Tennessee
Zach Scrima	-	FBI Forensic Accountant - Washington, DC
Jaron Patterson	-	Univ. of Tennessee Police Dept. and FBI Cyber Task Force Investigator
D.T. Harnett	-	FBI Task Force Office

Knoxville County Sheriff Office

Mr. Blaine	-	Knoxville County Sheriff Deputy -- Tennessee
Leah Spoone	-	Knoxville County Sheriff Arresting Officer
Sara Andersen	-	Knoxville County Sheriff Arresting Officer
Terry Wilshire	-	Captain, Knox County Sheriff's Office

The US Attorney Office

Nancy Stallard Harr	-	United States Attorney - Tennessee
James Douglas Overbey	-	United States Attorney - Tennessee
Cynthia F. Davidson	-	Asst. U.S. Attorney -- Tennessee
Anne-Marie Svolto	-	Asst. U.S. Attorney – Tennessee

United States District Court for the Eastern District of Tennessee

Thomas A. Varlan	-	US District Judge - Eastern District, Tennessee

C. Clifford Shirley	-	US Magistrate Judge (Retired), Eastern District, Tennessee
Debrah C. Poplin	-	United States Magistrate Judge (then clerk) Eastern District, Tennessee
John Medearis	-	Court Clerk (Retired) (then chief deputy clerk) Eastern District, Tennessee

New York Federal Reserve Bank

Sean O'Malley	-	New York Federal Reserve Bank Investigator, and New York Federal Reserve Bank -- New York

USAA Bank

David True Brown, Jr.	-	Director, Financial Crimes Investigation USAA Bank – Texas
Stuart Parker	-	USAA Bank Former CEO and President – Texas
Wayne Peacock	-	USAA Bank CEO and President – Texas
Dan McNamara	-	President USAA Bank – Texas
Michael Merwarth	-	Senior Vice President USAA Bank – Texas
Torben Ostergaard	-	Executive Vice President and Chief Risk Officer USAA Bank – Texas
Dana Simmons	-	Executive Vice President, CEO Chief of Staff USAA Bank – Texas
Laura Bishop	-	Executive Vice President and Chief Financial Officer USAA Bank -- Texas

Sixth Circuit Appellate Court

Jeffrey Sutton	-	Circuit Judge, U.S. Court of Appeals for the Sixth Circuit

Deborah L. Cook	-	Senior Circuit Judge, U.S. Court of Appeals for the Sixth Circuit
Amul Thaper	-	Circuit Judge, US Court of Appeals for the 6th Cir.

Court Appointed Attorneys at Law

Stephen G. McGrath	-	Assigned by district court to be Randall-Keith:Beane's trial elbow counsel
Bobby Hutson, Jr.	-	Public Defender appointed for Randall-Keith:Beane by United States Magistrate C. Clifford Shirley, Jr.
Stephen Louis Braga	-	Univ. of Virginia, Appellate Litigation Clinic - appointed by appellate court to file unauthorized appellant brief for Randall-Keith:Beane
Denis G. Terez	-	Appointed by appellate court to file unauthorized appellant brief for Heather-Ann:Tucci:Jarraf

And Other Unknown Members and Participants in the Conspiracy

To be determined

RELIEF:

Understanding that no man or woman can administrate property without right, Movant therefore asks that the Court grant the following relief:

A) I, Randall-Keith:Beane, claim trespass did cause wrong and harm. (theft of property, serious bodily injury)

B) I, Randall-Keith:Beane, require the immediate restoration of property. (Property refers not only to physical goods and the fruit of one's labor but also encompasses rights, life, liberty, and the pursuit of happiness.)

C) I, Randall-Keith:Beane, claim trespass did cause wrong or harm to Heather-Ann:Tucci:Jarraf and require immediate restoration of her property. (Property refers not only to physical goods and the fruit of one's labor but also encompasses rights, life, liberty, and the pursuit of happiness.)

D) Movant requests any other relief to which Movant and Heather-Ann:Tucci:Jarraf may be entitled.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Without Prejudice, All Rights Reserved

By: Randall-Keith:Beane Date: Oct 11, 2021
Autograph of Movant
Randall-Keith:Beane
Reg. #52505-074
FCI Elkton
P.O. Box 10
Lisbon, Ohio (44432)

Attached to and made part of this motion:
1) June 30, 2021 Habeas Corpus and Void Judgment Petition of Remonstrance and Motion to Expunge the Case and Record

2) March 11, 2021 S.R. Complaint

Motion to: **LeAnna R. Wilson** (Original With Attachments/+ 2 copies of motion)
Clerk, U.S. District Court
800 Market Street, Suite 130
Knoxville TN 37902

USPS Priority # 9114 9012 3080 3100 8525 62

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FCI Dublin
Address Unknown

Ms. Crawford